

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRELL AINSWORTH,  
Plaintiff,

v.

HUNTER,  
Defendant.

No. 2:24-cv-1347 DAD CSK P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

I. Introduction

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's second motion for injunctive relief filed July 8, 2024. (ECF No. 17.) For the reasons stated herein, this Court recommends that plaintiff's second motion for injunctive relief be denied.

II. Legal Standard

Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 22 (2008) (citing Mazurek v. Armstrong, 520 U.S. 968, 972 (1997) (per curiam)). "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held." Univ. of Tex. v. Camenisch, 451 U.S. 390, 395 (1981).

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1 “A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed  
2 on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief,  
3 [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.”  
4 Winter, 555 U.S. at 20. A plaintiff must “make a showing on all four prongs” of the Winter test  
5 to obtain a preliminary injunction. All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135  
6 (9th Cir. 2011).

7 The injunctive relief an applicant requests must relate to the claims brought in the  
8 complaint. See Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 810 F.3d 631, 636 (9th Cir.  
9 2015) (“When a Plaintiff seeks injunctive relief based on claims not pled in the complaint, the  
10 court does not have the authority to issue an injunction.”). Absent a nexus between the injury  
11 claimed in the motion and the underlying complaint, the court lacks the authority to grant plaintiff  
12 any relief. Id.; see also Beaton v. Miller, 2020 WL 5847014, at \*1 (E.D. Cal. Oct. 1, 2020) (the  
13 court’s jurisdiction is “limited to the parties in this action” and the pendency of an action “does  
14 not give the Court jurisdiction over prison officials in general or over the conditions of an  
15 inmate’s confinement unrelated to the claims before it.”).

16 The Prison Litigation Reform Act (“PLRA”) imposes additional requirements on prisoner  
17 litigants seeking preliminary injunctive relief against prison officials. In such cases,  
18 “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to  
19 correct the harm the court finds requires preliminary relief, and be the least intrusive means  
20 necessary to correct that harm.” 18 U.S.C. § 3626(a)(2); Villery v. California Dep’t of Corr.,  
21 2016 WL 70326, at \*3 (E.D. Cal. Jan. 6, 2016). As the Ninth Circuit has observed, the PLRA  
22 places significant limits upon a court’s power to grant preliminary injunctive relief to inmates,  
23 and “operates simultaneously to restrict the equity jurisdiction of federal courts and to protect the  
24 bargaining power of prison administrators—no longer may courts grant or approve relief that  
25 binds prison administrators to do more than the constitutional minimum.” Gilmore v. People of  
26 the State of California, 220 F.3d 987, 998-99 (9th Cir. 2000).

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1     III.     Background

2             This action proceeds on plaintiff's amended complaint filed on June 10, 2024. (ECF No.  
3     11.) The only named defendant is California State Prison-Sacramento ("CSP-Sac") physical  
4     therapist Hunter. (Id. at 2.) Plaintiff alleges that on July 14, 2022, defendant Hunter retaliated  
5     against plaintiff for making a comment about defendant Hunter by filing a false rules violation  
6     report against plaintiff. (Id. at 2-3.) On June 14, 2024, this Court recommended that this action  
7     be dismissed on the grounds that plaintiff failed to state a potentially colorable retaliation claim  
8     because plaintiff did not engage in protected speech. (ECF No. 12.) On July 1, 2024, plaintiff  
9     filed objections to the June 14, 2024 findings and recommendations. (ECF No. 16.)

10            On June 26, 2024, plaintiff filed his first motion for injunctive relief. (ECF No. 14.) At  
11     the time plaintiff filed this motion, plaintiff was incarcerated at Kern Valley State Prison. (Id. at  
12     1.) On July 1, 2024, this Court recommended that plaintiff's first motion for injunctive relief be  
13     denied because plaintiff sought injunctive relief against individuals who are not parties to this  
14     action and because the claims raised in plaintiff's motion were unrelated to the claims raised in  
15     the amended complaint against defendant Hunter. (ECF No. 15.)

16     IV.     Second Motion for Injunctive Relief

17            Plaintiff's second motion for injunctive relief reflects that plaintiff is now incarcerated at  
18     the R.J. Donovan Correctional Facility in San Diego, California. (ECF No. 17 at 1.) Plaintiff  
19     alleges that he was transferred to the R.J. Donovan Correctional Facility without his property and  
20     legal materials. (Id.) Plaintiff alleges that being housed without his property and legal materials  
21     is a form of torture. (Id.) Plaintiff alleges that prison staff sent plaintiff to R.J. Donovan  
22     Correctional Facility hoping that plaintiff would "go suicidal." (Id.) Plaintiff alleges that he  
23     suffers from emotional and physical stress. (Id.) As relief, plaintiff requests that the Court order  
24     the California Department of Corrections and Rehabilitation Director to stop moving plaintiff  
25     without his property and legal materials. (Id. at 2.) Plaintiff also requests an extension of time if  
26     there are any pending deadlines. (Id.)

27            Plaintiff's second motion for injunctive relief seeks an order against the California  
28     Department of Corrections and Rehabilitation ("CDCR") Director, who is not a defendant in this

1 action. The only defendant in this action is defendant Hunter, a physical therapist at CSP-Sac.  
 2 The Court is unable to issue an order against individuals who are not parties to a suit pending  
 3 before it. See Zenith v. Radio Corp. v. Hazeltine Research, 395 U.S. 100, 112 (1969). For this  
 4 reason, plaintiff's second motion for injunctive relief should be denied. In addition, the claims  
 5 raised and relief sought in the pending motion are unrelated to the claims raised in the amended  
 6 complaint against defendant Hunter. For this additional reason, plaintiff's second motion for  
 7 injunctive relief should be denied.<sup>1</sup> See Queen's Med. Ctr., 810 F.3d at 636. Finally, based on  
 8 the June 14, 2024 findings and recommendations recommending dismissal of this action,  
 9 plaintiff's second motion for injunctive relief should be denied because plaintiff fails to  
 10 demonstrate that he is likely to succeed on the merits of this action.

11 Based on plaintiff's new address reflected in his second motion for injunctive relief, the  
 12 Clerk of the Court is directed to amend court records to reflect plaintiff's new address and to re-  
 13 serve the July 1, 2024 findings and recommendations on plaintiff at this new address. The only  
 14 pending deadline at the time plaintiff filed his second motion for injunctive relief in this action is  
 15 the deadline for objections to the July 1, 2024 findings and recommendations regarding plaintiff's  
 16 first motion for injunctive relief. Plaintiff is granted an additional fourteen (14) days after being  
 17 served with this order to file written objections to the July 1, 2024 findings and recommendations.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Plaintiff's request for extension of time (ECF No. 17) is granted. Plaintiff is granted  
 20 an additional fourteen (14) days after being served with this order to file written  
 21 objections to the July 1, 2024 findings and recommendations;
- 22 2. The Clerk of the Court is directed to amend court records to reflect plaintiff's new  
 23 address at the R.J. Donovan Correctional Facility;

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 25 <sup>1</sup> The Court notes that in plaintiff's first motion for injunctive relief, plaintiff also sought  
 26 injunctive relief against the CDCR Director and also raised claims unrelated to the claims in the  
 27 amended complaint. (ECF No. 14 at 3.) This Court's July 1, 2024 findings and  
 28 recommendations recommended that plaintiff's first motion for injunctive relief be denied  
 because plaintiff sought injunctive relief against individuals who are not parties to this action and  
 because the claims raised in plaintiff's motion were unrelated to the claims raised in the amended  
 complaint against defendant Hunter. (ECF No. 15.)

3. The Clerk of the Court is directed to re-serve the July 1, 2024 findings and recommendations (ECF No. 15) on plaintiff at his new address; and

IT IS HEREBY RECOMMENDED that plaintiff's second motion for injunctive relief (ECF No. 17) be denied.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: July 10, 2024

  
CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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